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JOHN M. GIORDANO
Of Counsel

MEMO ENDORSED

July 29, 2008

VIA FEDEX

Judge Naomi R. Buchwald
United States District Court
United States Courthouse, Room 2270
500 Pearl Street
New York, New York 10007

RECEIVED IN CHAMBERS
J. NAOMI REICE BUCHWALD

JUL 30 2008

UNITED STATES DISTRICT JUDGE

USDS SONY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/5/08

Re: Highland Park CDO Trust I Grantor Trust, Series A v. Matthew Studer, et al.
Case No.: 08 Civ 01670 (NRB)

MEMO ENDORSED

Dear Judge Buchwald:

We are counsel for the Defendants in the above captioned action. I am writing to request that Defendants be permitted to submit a Sur-Reply Affidavit in response to Plaintiff's reply papers submitted on July 21, 2008. A copy of the proposed Sur-Reply Affidavit is enclosed.

So
Ordered
Naomi
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Buchwald
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8/4/08

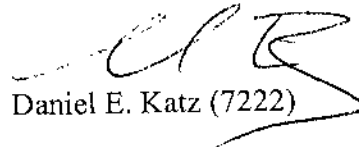
Defendants' request is properly made because Plaintiff has presented new arguments, and has submitted new evidence, in its Reply. *See Bonnie & Co. Fashions v. Bankers Trust Co.*, 945 F. Supp. 693, 708 (S.D.N.Y. 1996) ("Where new evidence is presented in a party's reply brief or affidavit in further support of its Summary Judgment Motion, the district court should permit the non-moving party to respond to the new matters prior to the disposition of the motion.") (citations omitted); *see also, Bayway Refining Company v. Oxygenated Marketing and Trading A.G.*, 215 F.3d 219, 227 (2d Cir. 2000) (noting that sur-reply papers are proper "where new evidence is presented in a party's reply brief or affidavit in further support of its summary judgment motion...") Specifically, among other things, Plaintiff contends for the first time in its reply that Defendants allegedly waived any arguments concerning Plaintiff's standing. In support of this argument and Plaintiff's contention that the loan documents which are the subject of this dispute were properly assigned to it, Plaintiff submits an affidavit from its representative, along with several agreements, none of which were submitted by Plaintiff in its initial moving papers.

In addition to the foregoing, and in light of the numerous (and apparently conflicting) agreements at issue herein, it is respectfully requested that the Court permit oral argument of Defendants', Plaintiff's and Wells Fargo's respective motions.

Judge Naomi R. Buchwald
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If you require any additional information, please contact me. Thank you in advance for your consideration.

Respectfully,



Daniel E. Katz (7222)

DEK:tw
Enc.

cc: Marc J. Kessler, Esq. *(via FedEx)*
Michael T. Stolper, Esq. *(via FedEx)*
Gregory L. Curtner, Esq. *(via FedEx)*